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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re. Appln.: Jon D. Kittelsen et al.

Serial No.: 09/828,108

Filed: April 6, 2001

For: COMPOSITE MOUTHGUARD WITH NONSOFTENING  
FRAMEWORK

Attorney  
Docket No.: 13701-154

Attorney: Gerald E. Helget

Additional Fees: Charge to Deposit Account 50-1188

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TRANSMITTAL COVER LETTER**

Enclosed for filing, please find the following:

1. Response to Notice to File Missing Parts of Nonprovisional Application (4 pgs.);
2. Declaration for Utility or Design Patent Application (3 pgs.);
3. Petition for Extension of Time Under 37 CFR 1.136(a) (1 pg.);
4. Fee Transmittal for FY 2002 (1 pg.);
5. A check in the amount of \$525.00 in payment of the surcharge and extension fees; and
6. Postcard.

Respectfully submitted,

Dated: 15 Oct 01

By

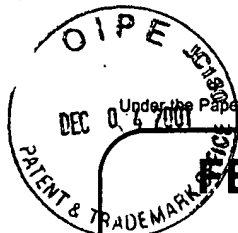
Gerald E. Helget (Reg. No. 30,948)  
RIDER BENNETT EGAN & ARUNDEL  
333 South Seventh Street, Suite 2000  
Minneapolis, MN 55402  
Telephone: (612) 340-8933

**CERTIFICATE OF MAILING**

I hereby certify that this document and the documents identified above are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

By  
Date

15 Oct 01



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 525

## Complete if Known

Application Number	09/828,108
Filing Date	April 6, 2001
First Named Inventor	Jon D. Kittelsen, et al
Examiner Name	
Group / Art Unit	
Attorney Docket No.	13701-154

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 50-1188

Deposit Account Name: Rider, Bennett, Egan & Arundel

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

1. BASIC FILING FEE				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
101	740	201	370	Utility filing fee
106	330	206	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	160	214	80	Provisional filing fee
SUBTOTAL (1)				(\$ 0)

## 2. EXTRA CLAIM FEES

Total Claims	-20 **	=	0	X	Fee from below	=	0
Independent Claims	-3 **	=	0	X		=	0
Multiple Dependent				X		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

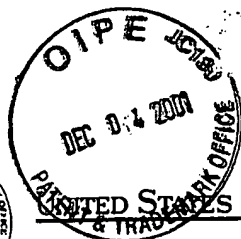
3. ADDITIONAL FEES		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65			Surcharge - late filing fee or oath	65
127	50	227	25			Surcharge - late provisional filing fee or cover sheet	
139	130	139	130			Non-English specification	
147	2,520	147	2,520			For filing a request for reexamination	
112	920*	112	920*			Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*			Requesting publication of SIR after Examiner action	
115	110	215	55			Extension for reply within first month	
116	400	216	200			Extension for reply within second month	
117	920	217	460			Extension for reply within third month	460
118	1,440	218	720			Extension for reply within fourth month	
128	1,960	228	980			Extension for reply within fifth month	
119	320	219	160			Notice of Appeal	
120	320	220	160			Filing a brief in support of an appeal	
121	280	221	140			Request for oral hearing	
138	1,510	138	1,510			Petition to institute a public use proceeding	
140	110	240	55			Petition to revive - unavoidable	
141	1,280	241	640			Petition to revive - unintentional	
142	1,280	242	640			Utility issue fee (or reissue)	
143	460	243	230			Design issue fee	
144	620	244	310			Plant issue fee	
122	130	122	130			Petitions to the Commissioner	
123	50	123	50			Processing fee under 37 CFR 1.17 (q)	
126	180	126	180			Submission of Information Disclosure Stmt	
581	40	581	40			Recording each patent assignment per property (times number of properties)	
146	740	246	370			Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370			For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370			Request for Continued Examination (RCE)	
169	900	169	900			Request for expedited examination of a design application	
Other fee (specify) _____							
*Reduced by Basic Filing Fee Paid							
SUBTOTAL (3)							(\$ 525)

## SUBMITTED BY

Name (Print/Type)	Gerald E. Helget	Registration No. Attorney/Agent)	28,948	Telephone	612-340-8933
Signature				Date	October 15, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/828,108	04/06/2001	Jon D. Kittelsen	13701-154

CONFIRMATION NO. 6804

25862  
RIDER, BENNETT, EGAN & ARUNDEL  
333 SOUTH SEVENTH STREET  
SUITE 2000  
MINNEAPOLIS, MN 55402

## FORMALITIES LETTER



Date Mailed: 05/14/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

12/05/2001 BAZRAHA1 00000091 09828108

01-FC:205

65.00 DP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The following item(s) appear to have been omitted from the application:

- Figure(s) 5,7,8,10,11,11A,12 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re. Appln.: Jon D. Kittelsen et al.

Serial No.: 09/828,108

Filed: April 6, 2001

For: COMPOSITE MOUTHGUARD WITH NONSOFTENING  
FRAMEWORK

Attorney

Docket No.: 13701-154

Attorney: Gerald E. Helget

Additional Fees: Charge to Deposit Account 50-1188

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

This communication is filed in response to the Notice to File Missing Parts of NonProvisional Application, mailed May 14, 2001, a copy of which is attached hereto for reference.

Enclosed please find a Declaration for Utility Patent Application, dated August 29, 2001, a Petition for Extension of Time Under 37 CFR 1.136(a), and a check in the amount of \$525.00 in payment of the surcharge and three month extension fees.

**CERTIFICATE OF MAILING**

I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

By Gerald E. Helget  
Date 15 AUG 01

Applicant believes these document are adequate to complete the filing requirements set forth by the Notice to File Missing Parts of Non-Provisional Application.

Should you have any questions, you are hereby invited to contact the undersigned.

Respectfully submitted,

Dated: 15 Oct '01

By 

Gerald E. Helget (Reg. No. 60,948)

RIDER BENNETT EGAN & ARUNDEL

333 South Seventh Street

Suite 2000

Minneapolis, MN 55402

Telephone: (612) 340-8933